

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WV

CHARLESTON DIVISION

IN RE: Ethicon, Inc. Pelvic Repair System
Products Liability Litigation

MDL No. 2327

THIS DOCUMENT RELATES TO ALL CASES

**APPLICATION OF J. ROBERT ROGERS
FOR PLAINTIFFS' STEERING COMMITTEE**

COMES NOW the undersigned, J. Robert Rogers, and respectfully submit my Application for Appointment to the Plaintiffs' Steering Committee. I respectfully show the following information as requested in the Pretrial Order:

I am a graduate of Marshall University, majoring in Political Science and Accounting, with a minor in Economics (BA 1964) and the WV University College of Law (JD 1967). Since 1967, I have remained an active member in good standing of the WV State Bar (#3153) (see, Exhibit 1, Cert. of Good Standing) and the WV Supreme Court. In 1989, I was licensed to practice law by the North Carolina State Bar and I remain a member in good standing as a non-resident lawyer. I have been admitted, *pro hac vice*, in the following state courts: Pennsylvania, Kentucky, Tennessee, Georgia, Florida, Maryland, Alabama, and South Carolina. I am the managing partner of the Law Offices of J. Robert Rogers located at 213 Hale Street, 3rd Floor, in Charleston, WV. I was appointed by the WV State Supreme Court to serve as Chairman of the Civil Law Committee relative to the drafting of standard civil law jury instructions, which were adopted. In 1985, I was given the Outstanding Public Servant and Life Member Awards by the WV Trial Lawyers Association n/k/a WV Association for Justice. I am also a member, in good standing, of the Boone County Bar Association, having served as President in past years. I am a member of the WV Association for Justice, having served on the board of directors a number of years, and a member of the American Association for Justice, presently serving as a member of that association's Birth Trauma Litigation Group.

I was co-counsel in the filing of the mass Oxycontin litigation in Putnam County, WV and have represented more than 1,000 clients in medical negligence, wrongful death, personal

injury and product liability cases during my career. I am experienced in handling complex, multi-party litigation involving product liability, and have coordinated and overseen written discovery, conducted nearly all of the depositions of plaintiff and defense witnesses, including experts, throughout my career. I was elected to serve as a member of the WV State Senate and remained in that capacity for 12 years until I retired from politics. While a member of the WV State Senate, I was involved in the drafting of numerous pieces of legislation which will be involved in this litigation, having co-drafted the *Medical Malpractice Liability Act* in 1985 and was on the drafting committee of the 1983 legislation dealing with product liability and *Mandolidis* litigation. During my senate tenure, I held the following leadership positions: (1) President, *pro tempore*; (2) Member, Rules Committee; (3) Member, Senate Management Committee; and (4) Chairman or Vice-Chairman, Banking & Insurance Committee for a 12 year period, plus numerous other committee appointments.

Together with the law firms of Blasingame, Burch, Garrard & Ashley, P.C. and Greene, Ketchum, Bailey, Walker, Farrell & Tweel, I filed the first federal court action involving the Avaulta products in the Southern District of WV on May 1, 2009 (*Stroud v. C. R. Bard, Inc. and Mitchell E. Nutt, M.D.*, C.A. No. 3:09-CV-00484) (2:10-MD-02187). I have been involved in the cases related to the C. R. Bard, Inc. pelvic repair mesh devices, transferred to this Court by the MDL Panel in 2010 (MDL 2187), as well as the subsequent motion that led to the consolidation of the other Bard pelvic repair products into MDL 2187. Since the filing of *Stroud*, I was appointed to serve on the original PSC, and have appeared at each hearing held by The Honorable Joseph Robert Goodwin, and worked with lead counsel and members of the PSC in presenting the case.

In coordination with other law firms with whom I am working in this litigation, motions and related pleadings have been prepared and filed with the MDL Panel seeking transfer of all federal cases involving the pelvic repair products sold by American Medical Systems, Inc., Boston Scientific Corp., and Johnson & Johnson/Ethicon, Inc., which the Panel granted in its joint Transfer Order on February, 2012. Several cases are pending each of the three MDL's (MDL 2325; MDL 2326 and MDL 2327). My past experience and involvement in the litigation before this Court demonstrates that I am committed and dedicated to expending my time, energy and other resources required to bring these cases to a resolution. I will continue to be actively

involved in these cases. Co-counsel and I are supported by an experienced staff of paralegals and assistants.

I further acknowledge the PSC responsibilities defined in the Pretrial Order and represent to the Court that I am willing, able and available to commit to this time consuming project. I have always worked cooperatively with other lawyers, both plaintiff and defense, in other actions and will continue to do the same in these cases. I have also been involved with defendants' liaison counsel, Marc E. Williams, Esquire, and have had a good working relationship with Mr. Williams throughout the years. I also know a number of the attorneys who have made application to serve on this MDL and will work and participate with the group in fulfilling the responsibilities of that position. I respectfully submit that I have the experience and skill to serve as a member of the Plaintiffs' Steering Committee.

DATED this 29th day of March, 2012.

Respectfully submitted,

/s/ J. Robert Rogers
J. ROBERT ROGERS
WV State Bar No. 3153

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THE WEST VIRGINIA STATE BAR
Certificate of Good Standing

J. Robert Rogers - WVSID#3153

This is to certify that, according to the records of the West Virginia State Bar, J. Robert Rogers, of Hurricane, WV, was admitted to practice law by the West Virginia Supreme Court of Appeals on May 15, 1967, and was registered as an active member of The West Virginia State Bar in May, 1967.

It is further certified that the said J. Robert Rogers, according to our membership records, is currently an active member in good standing with The West Virginia State Bar.

Given over my hand and seal of The West Virginia State Bar this day, March 28, 2012.



Cheryl L. Wright

Membership Coordinator

The West Virginia State Bar

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 29, 2012, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

Respectfully submitted,

/s/ J. Robert Rogers
J. ROBERT ROGERS
WV State Bar No. 3153

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